

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003896

SIPDIS

E.O. 12958: DECL: 09/20/2015

TAGS: [PGOV](#) [KDEM](#) [IZ](#)

SUBJECT: ELECTION CRIMES PROVISION BACK IN ELECTION LAW

REF: A) BAGHDAD 3828 B) LIM/NEA EMAIL 9/18/05

Classified By: Political Counselor Robert Ford for reasons
1.4 (b) and (d).

1. (C) Summary. Article 27 on election crimes reappeared in the final version of the election law released by the TNA legal committee September 18. The previous version, released on September 14 by the legal committee, did not include this provision, even though the TNA had voted on September 12 to include it. PolOff immediately raised this inconsistency with the staff of TNA legal committee chairman Sadoon. Sadoon subsequently told PolOff September 18 that there had been a 'misunderstanding' in the TNA legal committee while Sadoon was on holiday and that article 27 would be included in the final text of the election law. The reinclusion of Article 27 lends a useful tool for the Independent Electoral Commission of Iraq (IECI) to discourage voter fraud, intimidation against electoral officials, and media campaign violations. End Summary.

ELECTION CRIMES PROVISION IS BACK

2. (C) The provision on election crimes (article 27) reappeared in the election law as released by the TNA legal committee September 18 (Ref A). Article 27 was among the 30 articles in the law that was passed by the TNA on September 12. When the TNA legal committee released the first final draft on September 14, the electoral crimes provision was missing; instead of 30 articles, the law contained only 29 (Ref B).

A "Misunderstanding"

3. (C) A staff member to TNA legal committee chairman Mushen Sadoon (Kurd), told PolOff on September 14 that during that morning's TNA legal committee meeting, deputy legal chairman Hussein Athab (Shia) insisted on deleting article 27 from the law, arguing that TNA members had been confused about article 27 when they voted to approve the law September 12. The staff member noted that Sadoon was away on holiday and therefore absent from the meeting. PolOff expressed surprise at the odd disappearance of this important provision, noting that he had personally witnessed the TNA proceedings approving the law with Article 27 included. On September 18, the staff member informed PolOff that TNA Deputy Speaker Shahrستاني had intervened September 17 to demand restoration of the electoral crimes provision as passed originally by the TNA. In a separate conversation, Sadoon sought to assure PolOff that the temporary disappearance had been due to a "misunderstanding" in the TNA legal committee.

LIST OF PUNISHABLE ELECTORAL CRIMES

4. (U) Unofficial translation of Article 27 of the election law follows:

Begin text.

Chapter Six - The Election Crimes

Article 27

Any person committing any of the following acts shall be punished in accordance with punishments stated in the valid laws:

1. Voting more than once.
2. Impersonating, or using the name of another person for the purpose of voting.
3. Nominating himself in more than one district or on more than one list.
4. Carrying a firearm, or any other instrument, which threatens security in any center of election on the day of the election.
5. Entering an election or tallying centers by force to affect the election process or to inflict harm on any of the elections officials.
6. Affecting the freedom of the election or hampering the election process.
7. Tampering with any of the voting boxes or election tables or voting ballots or stealing any of these boxes, tables or ballots or destroying them or conducting any act

with the intension of affecting the integrity of and secrecy of the election.

18. Committing any prohibited acts stipulated in Chapter Five of this law. (Note: This refers to media campaign rules. End note.)

End text.

15. (C) Comment. Lawmaking in the neophyte TNA remains a messy process. Whether or not there was a hidden agenda at work behind Article 27's temporary disappearance from the election law is a matter of speculation. Now back in the law, Article 27 provides a useful tool for the IECI to discourage voter fraud, intimidation against electoral officials, and media campaign violations. It will be important for upcoming elections' credibility for the IECI to make use of it when warranted. End Comment.
Satterfield